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AMERICAN BAR ASSOCIATION. — The meeting of the American Bar Association at Saratoga on August 19th–22d promises to be of extraordinary interest. The Lord Chief Justice of England, Lord Russell, is coming over to deliver the annual address. He will probably be accompanied by three or four prominent members of the English Bar.

PUBLIC OFFICE A PUBLIC TRUST. — That the State employs officials in order that they may serve it, and through it the people, needs scarcely to be said. The proposition, on the contrary, that it is any part of the real purpose of public office to provide officials with salaries, is condemned by its very statement. It is fortunate that the action of the Massachusetts Legislature in taking the last step, the step which made it clear beyond reasonable doubt that, in ordering the preference of veteran soldiers of the late war, it was not concerned with their fitness for office, and the step which could only be justified by regarding good government and competent service as immaterial has met from a unanimous decision of the Supreme Court of the State with the rebuke that it deserved. *Brown* v. *C. T. Russell, Jr. et al., Civil Service Commissioners* (not yet reported).

The law (chapter 501 of 1895) made mandatory the appointment of any veteran, however unfit, who applied for any office and filed with his application the recommendation of any three citizens "of good repute."

The particular application of this which came before the court was to an office requiring peculiar capacities, that of state detective, and the very ludicrousness of the idea that any veteran of the late war whom any three citizens "of good repute" would certify to be fit must needs be appointed a detective without regard to his fitness may have helped to secure the unanimity of the decision. Clearly one must stop somewhere. The Attorney General (who argued for the constitutionality of the law) is protected by the Constitution. But the public service would get into a sorry state if any veteran could insist on being appointed Assistant

Attorney General. And if the legislature should seriously enact that judgeships of the Superior Court should be open only to veterans, and solely in the order of priority of application or of distinction in the late war, the absurdity, which exists equally in the law just condemned, would be patent even to the most misguided patriot.

The case against the law was also made stronger by the sixth article of the Massachusetts Bill of Rights. "No man nor corporation nor association of men have any other title to obtain advantages or particular and exclusive privileges distinct from those of the community than what arises from the consideration of services rendered to the republic." This the court, aided by the slightly different phrasing of the Virginia Bill of Rights of 1776, whence the provision was taken, holds to mean services rendered as a condition concurrent with exclusive privileges, pointing out very justly that the other construction would justify a life peerage and similar grants of privilege. Taking everything together, then, the court has made its decision impregnable, although perhaps a little narrow in its insistence on all the aspects of the particular case. A law that a man must be installed in a public office requiring peculiar fitness, whether or no he was fit, could not and did not stand.

SELF-INCRIMINATING TESTIMONY. — A United States statute provides that no person shall be excused from testifying before the Interstate Commerce Commission on the ground that his testimony may tend to criminate him; but that he shall not be prosecuted or subjected to any penalty on account of any transaction concerning which he may testify. In *Brown* v. *Walker*, 16 Sup. Ct. Rep. 644, the Supreme Court recently held, five judges against four, that this statute is not in conflict with the fifth amendment to the Constitution, which provides that no person "shall be compelled in any criminal case to be a witness against himself." The majority of the court was of the opinion that the guarantee against prosecution furnished by the statute amply satisfied the requirements of the Constitution. The only previous decision on the point, *United States* v. *James*, 60 Fed. Rep. 257, in the District Court, is overruled.

In the well known case of *Counselman* v. *Hitchcock*, 142 U. S. 547, a previous statute of similar purport, which had merely provided that no evidence given by the witness should be used against him in any criminal proceeding, was declared unconstitutional. The court went on the ground that the protection afforded by the statute was not broad enough, as the testimony might be used to search out other testimony to be used against the witness. Whether the wording of the Constitution required such a decision may perhaps be doubted. In several of the States similar statutes have been held not in conflict with similar constitutional provisions. *State* v. *Quarles*, 13 Ark. 307; *People* v. *Kelly*, 24 N. Y. 74; *Kneeland* v. *State*, 62 Ga. 395. But at all events this particular difficulty is done away with in the later statute by the broad proviso that the witness shall never be prosecuted for the transactions concerning which he testifies. The majority opinion, by Mr. Justice Brown, treats the subject admirably in all its aspects, and reaches what seems to be the sound conclusion.

The two vigorous dissenting opinions bring out, however, at least three possible grounds for disagreeing with the decision. Mr. Justice Field contends, in the first place, that the constitutional amendment was intended to protect the witness, not only from prosecution, but from the